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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,788	04/09/2001	Khai Hee Kwan		8886

23336 7590 08/29/2006

KHAI HEE KWAN
315 AVOCA ST.
RANDWICK, 02031
AUSTRALIA

EXAMINER

HAQ, NAEEM U

ART UNIT PAPER NUMBER

3625

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.		Applicant(s)	
	09/827,788		KWAN, KHAI HEE	
	Examiner		Art Unit	
	Naeem Haq		3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) Chris Kwan (via e-mail). (3) _____.

(2) Jeffrey A. Smith - Supervisory Patent Examiner. (4) _____.

Date of Interview: 02 August 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: E-mail chain.

Claim(s) discussed: 1-6,20 and 33-46.

Identification of prior art discussed: _____.

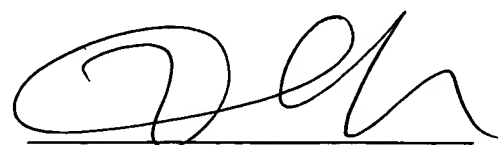
Agreement with respect to the claims: f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The restriction requirement mailed on 3/16/2006 has been vacated, and the Office Action mailed on July 14, 2006 has been withdrawn. A corrected Office action will be mailed addressing the amendment filed August 2, 2006. No response is required by Applicant at this time.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Smith, Jeffrey A. (AU3625)

From: Smith, Jeffrey A. (AU3625)
Sent: Wednesday, August 02, 2006 2:46 PM
To: 'chris kwan - ecorpnu'
Subject: RE: 09/827788 Finality of election/restriction requirement

Mr. Kwan,

The facsimile transmission has been received.

Jeffrey A. Smith
Supervisory Patent Examiner
Art Unit 3625
571-272-6763 (Voice)
571-273-6763 (Facsimile)

-----Original Message-----

From: ecorpnu@gmail.com [mailto:ecorpnu@gmail.com] On Behalf Of chris kwan - ecorpnu
Sent: Wednesday, August 02, 2006 4:41 AM
To: Smith, Jeffrey A. (AU3625)
Subject: Re: 09/827788 Finality of election/restriction requirement

Dear Jeffrey,

I have attached a PDF version of the amended claims. I will also be faxing a copy within the next 4 hours to 571-273-6763 when I reach home. I would appreciate if you could acknowledge once you receive the faxed version. The PDF version is merely for clarity in case the faxed version is unclear and is identical.

Thank you for taking the time to consider this matter.

CK

On 8/1/06, Smith, Jeffrey A. (AU3625) <Jeff.Smith4@uspto.gov> wrote:

> Mr. Kwan,

>

> My apologies. We are willing to examine claims 1-6, 20, and 33-46. Please submit reinstated claims pursuant to 37 CFR 1.121 to the facsimile number identified below.

>

> Jeffrey A. Smith
> Supervisory Patent Examiner
> Art Unit 3625
> 571-272-6763 (Voice)
> 571-273-6763 (Facsimile)

>

>

>

>

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> -----Original Message-----
> From: ecorpnu@gmail.com [mailto:ecorpnu@gmail.com]On Behalf Of chris
> kwan - ecorpnu
> Sent: Monday, July 31, 2006 12:58 PM
> To: Smith, Jeffrey A. (AU3625)
> Cc: Haq, Naeem
> Subject: Re: 09/827788 Finality of election/restriction requirement
>
>
> Dear Mr Smith,
>
> Ok, I will do this as soon as possible and fax a copy to the number
> 571-273-6763. However, it is noted and I hope this is correct;
>
> The original restriction/election was mailed March 16 which details,
> Group 1 (method) and Group 2 (Article and System) for
> restriction/election. Each group has species which were to be elected
> as well. When I was responding to this March 16 Action Letter via my
> response filed March 25, I have only included Group 2 but left out the
> species election. This was unintentional.
>
> The April 3 action letter merely repeats its March requirement as it
> was non compliant for failure to include species election. I elected
> the species as per April 19 response by cancelling 35,36,39,42,43,46.
>
> So to be clear, this is to say that you still maintain the
> restriction/election as to different groups but vacate for the species
> within said groups. Ie Group 1 is still restricted and only Group 2
> will be considered together with its species which I will reinstate as
> NEW for this amendment. If this is the understanding now and made
> final, then may I take the opportunity to add other amendments
> including other new claims given the restriction of group 1 means I
> have room to others. Please allow 48 hours for me to fax-in the
> amendments. I will reconfirm this with you within the next 24 hours by
> telephone.
>
> Thanks
>
> CK
>
> On 7/31/06, Smith, Jeffrey A. (AU3625) <Jeff.Smith4@uspto.gov> wrote:
> > Mr. Kwan,
> >
> > We have vacated the Restriction/Election Requirement mailed April 3,
> 2006 (repeated and made final in the Office action mailed July 14, 2006).
> Accordingly, we are willing to consider all of previously presented claims
> 33-46 filed March 25, 2006. Inasmuch as the Amendment filed April 19, 2006
> has cancelled claims 35, 36, 39, 42, 43, and 46, you must now file an
> amendment reinstating these claims (see 37 CFR 1.121 for the manner in
> which to reinstate claims) in order for us to consider them. Please submit
> this amendment via facsimile transmission to the number listed below. Upon
> receiving this amendment we will enter it into the file and the Examiner
> will take up the amendment for action in due course.
> >

> >
> > Jeffrey A. Smith
> > Supervisory Patent Examiner
> > Art Unit 3625
> > 571-272-6763 (Voice)
> > 571-273-6763 (Facsimile)
> >
> >
> > -----Original Message-----
> > From: ecorpnu@gmail.com [mailto:ecorpnu@gmail.com]On Behalf Of chris
> > kwan - ecorpnu
> > Sent: Friday, July 28, 2006 10:08 AM
> > To: Smith, Jeffrey A. (AU3625)
> > Subject: Re: 09/827788 Finality of election/restriction requirement
> >
> >
> > Dear Mr Smith,
> >
> > Just a matter for clarification, I presume the election/restriction is
> > vacated up to the amendments made in the RCE (Feb 2006). I am making
> > this presumption because, the election/restriction including a species
> > was first made by Mr Rhode (March) based on my RCE submission.
> > Subsequently this was followed by a non compliance because I forgot to
> > include a species election which I later included (April). On both
> > occassions, I have protested and then I received Mr Haj submission
> > (July) which sustains the election/restriction/species from Mr Rhode.
> > Please correct me if I am wrong on this matter and my apology for
> > taking up too much of your time.
> >
> > CK
> >
> >
> >
> > On 7/28/06, Smith, Jeffrey A. (AU3625) <Jeff.Smith4@uspto.gov> wrote:
> > > Mr. Kwan,
> > >
> > > I have reviewed the prosecution history of your application, as well
> > as the merits of the Restriction/Election Requirements noted in your
> > earlier e-mail.
> > >
> > > My review has resulted in the following actions:
> > >
> > > The Restriction/Election Requirement has been vacated and the
> > previously withdrawn claims have been rejoined.
> > >
> > > The Office action mailed July 14, 2006 has been withdrawn.
> > >
> > > A corrected Office action will be mailed in due course addressing all
> > pending claims (including those claims rejoined by this decision).
> > >
> > > No response by Applicant is due at this time. Applicant should await
> > further communication from the USPTO on this matter.
> > >
> > > Jeffrey A. Smith
> > > Supervisory Patent Examiner

> > > Art Unit 3625
> > > 571-272-6763
> > >
> > >
> > >
> > > -----Original Message-----
> > > From: ecorpnu@gmail.com [mailto:ecorpnu@gmail.com] On Behalf Of chris
> > > kwan - ecorpnu
> > > Sent: Thursday, July 27, 2006 2:23 AM
> > > To: Smith, Jeffrey A. (AU3625)
> > > Subject: Re: 09/827788 Finality of election/restriction requirement
> > >
> > >
> > > Thank you for looking into this matter.
> > >
> > > On 7/25/06, Smith, Jeffrey A. (AU3625) <Jeff.Smith4@uspto.gov> wrote:
> > > > Mr. Kwan,
> > > >
> > > > Thank you for your inquiry. I will take up this matter immediately
and I will notify you once my consideration is complete.
> > > >
> > > > Thank you.
> > > >
> > > > Jeffrey A. Smith
> > > > Supervisory Patent Examiner
> > > > Art Unit 3625
> > > > 571-272-6763
> > > >
> > > >
> > > >
> > > > -----Original Message-----
> > > > From: chris kwan [mailto:chris@ecorpnu.com]
> > > > Sent: Sunday, July 23, 2006 12:48 AM
> > > > To: Smith, Jeffrey S. (AU2625)
> > > > Cc: Haq, Naeem
> > > > Subject: Ref: 09/827788 Finality of election/restriction
requirement
> > > >
> > > >
> > > > Khai Kwan
> > > > 315 Avoca St
> > > > Randwick NSW 2031
> > > > Australia
> > > >
> > > > Mr Jeffrey Smith
> > > > SPE, USPTO
> > > >
> > > > CC Naeem Haq
> > > >
> > > > Dear Sir,
> > > >
> > > > It appears that my above application has been taken over by Mr
Naeem Haq
> > > > (the previous examiner was Mr Robert Rhode). Subsequent, I have
received an


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> > --  
> > Chris Kwan  
> > www.ecorpnu.com  
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> Chris Kwan  
> www.ecorpnu.com  
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Chris Kwan  
www.ecorpnu.com
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